

APPEAL NO. 040659  
FILED MAY 17, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 23, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and that he had disability from September 9, 2003, until February 7, 2004. The appellant (carrier) appeals, contending that the claimant did not meet his burden of proof and that the hearing officer's determinations are contrary to the overwhelming weight of the evidence. The claimant asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed as reformed herein.

We reform Conclusion of Law No. 4 to reflect that the claimant had disability from September 9, 2003, until February 7, 2004 (not 2003). As reformed, Conclusion of Law No. 4 is consistent with Finding of Fact No. 5 and the hearing officer's decision on the disability issue.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, the hearing officer's determinations on the disputed issues of compensable injury and disability are supported by the claimant's testimony and by the reports of the doctors the claimant has treated with for his claimed injury. We conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

As reformed herein, the hearing officer's decision is affirmed.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO F. MALO  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Margaret L. Turner  
Appeals Judge